MONTANA LEGISLATIVE HISTORY

Chapter 211 19 61

Bill H _____ S 86 Original bill & history ____C

H. Committee on Highways			S. Committee on Highways & Transportation		
Hearing Date(s)	Feb 22	✓ C	Hearing Date(s)	Jan 19	✓ C
	_____	____C		Jan 21	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Feb 22	✓ C		Jan 21	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

January 19, 1961

The Senate Committee on Highways and Transportation met in Room 407 at 9:00 a.m., Thursday, January 19, 1961, with Chairman Bovey presiding. A quorum was present.

Captain Alex B. Stephenson and Captain Bob McKay of the Montana Highway Patrol were present.

It was moved by Senator Michels and seconded by Senator Harken that Senate Bill 81 do pass. Motion carried.

Senator Michels presented two alternates to Senate Bill 82 relating to the grazing of livestock on highway rights-of-way, one including county roads and one not including county roads. The bill was discussed, and then referred to a subcommittee composed of Senator Mahoney, chairman, with Senators Harken and Stein, to work with the author, Senator Michels.

It was moved by Senator Michels and seconded by Senator Sagunsky that Senate Bill 80 be amended as follows:

Amend the title by inserting in line 10, page 1, after the word "VEHICLE" the words "AND PROVIDING FOR A TIME OF REMOVAL;"

Amend Section 1 by inserting after the word "operator" on line 3, page 2, the words "Such removal shall be within such reasonable time as may be designated by the peace officer, officer of the highway patrol, or employees of the maintenance department of the Montana state highway commission who has compelled such unloading."

Motion carried. It was then moved by Senator Michels and seconded by Senator Sagunsky that Senate Bill 80, as amended, do pass. Motion carried.

It was moved by Senator Anderson and seconded by Senator Harken that Senate Bill 85 do pass. Motion carried.

Senate bill 86 relating to the surrendering of other drivers licenses upon issuance of Montana licenses was referred to the following subcommittee: Senator Harken, chairman; Senators Mahoney and Stein.

The chairman stated that Senator Reardon, chairman of the Senate Committee on Public Health, Welfare and Safety, and also a member of this committee, has requested that Senate Bill 97, relating to side curtains upon railroad track motor cars, be transferred to his committee. After discussion, Senator Sagunsky moved that Senate Bill 97 be retained by this committee. The motion was seconded by Senator Harken, and it carried.

Upon motion by Senator Manning, the meeting adjourned at 9:55.

Charles A. Bovey, Chairman

bs

January 21, 1961

The Senate Committee on Highways and Transportation met in Room 407 at 2:00 p.m., Saturday, January 21, 1961, with a quorum present. Chairman Bovey presided.

It was moved by Senator Mahoney, and seconded by Senator Michels, that Senate Bill 86 do not pass, but that the Senate Substitute for Senate Bill 86 do pass. Motion carried.

It was moved by Senator Anderson, and seconded by Senator McGowan, that Senate Bill 109 do pass. Motion carried.

After further discussion of Senate Bill 82, Senator Michels stated that he will introduce as a new bill the draft designating highways more specifically, and requested that the committee postpone killing Senate Bill 82 until the new bill is introduced.

The bill relating to distribution of fines, as redrafted by the Montana State Highway Patrol, was discussed. Senator McGowan will introduce it.

The bill relating to the driver license compact was discussed at length. It will be introduced by Senators Bovey and McGowan.

Upon motion of Senator McGowan, the meeting adjourned at 2:55 p.m.

Charles A. Bovey, Chairman

bs

February 22, 1961

The Highways Committee met at 12:30 with a quorum present and Chairman Broeder presiding.

Mr. Wes Wertz, Counsel for the Montana Bankers Association, Mr. Don Johnson, representing the First National Bank and Mr. Ralph Samson, representing the Union Bank of Helena, Montana, were present to appear in opposition to S.B. 104. Mr. Wertz explained the bill and why it would be unfair, and would work a hardship on all concerned. Mr. Samson supported Mr. Wertz and said as far as he knew, there had been no complaints from their customers on the time it took to file satisfaction of mortgages on motor vehicles. He said passage of S.B. 104 would further burden the Registrar of Motor Vehicles who is already working under the burden of having only prisoner help in doing his work. Mr. Johnson said he felt the present law was sufficient to cover the time element and he felt that passage of the bill might lead to some very unfair practices. The visitors were then excused.

Rep. Bentz moved that S.B. 104 be not concurred in, seconded by Rep. Leuthold and the motion carried.

Chief Alex Stephenson, Captains Kerr and McKay of the State Highway Patrol appeared to explain S.B. 85 and Sen. Sub. to S.B. 86. Capt. McKay explained that S.B. 85 merely deleted matter which was no longer used in the present driver license law. He then explained Sen. Sub. for S.B. 86 would make it unlawful for anyone to carry more than one Montana driver license and also would require the relinguishing of foreign state driver license when a Montana driver license was issued. Capt. Kerr explains the abuses that have occurred which were possible because a driver could show one license for one violation, another license another time and the violations would not show up on the driver's record. Making it illegal to have more than one Montana license would eliminate this entirely, as the record would show up on just the one license record. S.B. 109 would legalize what the Highway Patrol does at the present when one or both of the parents of a minor may be deceased and the custodian would sign his application for a learner's permit. The present law requires signature of both parents or legal guardians and in some instances, a minor has no legal guardian. The visitors were then excused.

Rep. Reinecke moved that S.B. 109 be concurred in, seconded by Rep. Lundgren and the motion carried.

Rep. Spahr moved that S.B. 85 be concurred in, seconded by Rep. Lundgren and the motion carried.

Rep. Judge moved that Sen. Sub. For S.B. 86 be concurred in, seconded by Rep. Spahr and the motion carried.

CHAPTER 210

An Act to Amend Section 16-2028, Revised Codes of Montana, 1947, Relating to County Bond Issues, to Provide That Authority to Issue Bonds as Previously Granted by a Bond Election May be Rescinded if the Bonds Have Not Been Sold Within Three Years of the Date of the Election and If No Vested Rights Have Accrued Under the Bond Issue.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 16-2028 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Canvass—bonding election.

"16-2028. If the bonding election be held at the same time as a general election, then the returns shall be canvassed at the same time as the returns from such general election; but if the bonding election is a special election, then the board of county commissioners shall meet within ten (10) days after the date of holding such special election and canvass the returns. If it is found that at such election forty per centum (40%) or more, of the qualified electors entitled to vote at such election voted on such question, and that a majority of such votes were cast in favor of the issuing of such bonds, the board of county commissioners shall, at a regular or special meeting held within thirty (30) days thereafter, pass and adopt a resolution providing for the issuance of such bonds. Such resolution shall recite the purpose for which such bonds are to be issued, the amount thereof, the maximum rate of interest the bonds may bear, the date they shall bear, the period of time through which they shall be payable, the optional provisions, if any; and provide for the manner of the execution of the same. It shall provide that preference shall be given amortization bonds but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form, and shall adopt a form of notice of the sale of the bonds.

Resolution—issuance of bonds.

"The board may, in its discretion, provide that such bonds may be issued and sold in two or more series or installments.

Board may rescind—when.

"Provided, however, that if none of said bonds have been sold and issued within three years from the date of the bonding election, and no vested rights have accrued thereunder, the board of county commissioners may rescind the authority to sell and issue such bonds by the passage and adoption of a resolution wherein is recited the reason for such recission of authority."

Approved March 7, 1961.

CHAPTER 211

An Act to Amend Section 31-125, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 37, Laws of 1951, as Amended by Section 1, Chapter 79, Laws of 1957, and as Amended by Section 1, Chapter 51, Laws of 1959, Relating to Licensing of Operators and Chauffeurs; Requiring the Surrender of All Drivers License Upon Issuance of Montana License; Requiring All Surrendered Licenses to be Forwarded to Issuing Department; Prohibiting Persons From Possessing More Than One (1) Drivers License; Providing That All Acts or Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-125, Revised Codes of Montana, 1947, as amended by section 1, chapter 37, laws of 1951, as amended by section 1, chapter 79, laws of 1957, and as amended by section 1, chapter 51, laws of 1959, be, and the same is hereby amended to read as follows:

Operators and chauffeurs must be licensed.

"31-125. **Operators and chauffeurs must be licensed.** (a) No person, except those hereinafter expressly exempted, under section 31-126, Revised Codes of Montana, 1947, as amended by section 1, chapter 95, laws of 1955, shall drive any motor vehicle upon a highway in this state unless such person has a valid Montana license as an operator or chauffeur under the provisions of this act.

Surrender of foreign license.

No person shall receive an operator's or chauffeur's license unless and until he surrenders to the board all valid operators' and chauffeurs' licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the board to the issuing department together with information that licensee is

now licensed in this state. No person shall be permitted to have more than one (1) valid operator's or chauffeur's license at any time. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall receive a chauffeur's license unless and until he surrenders to the board any operator's license issued to him or an affidavit that he does not possess an operator's license.

Chauffeur's license in lieu of operator's license.

"(b) Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

"(c) Whenever a city or town requires an operator or chauffeur to obtain a local driving license or permit, such a license or permit shall not be issued unless applicant therefore presents a state driver's license valid under the provisions of this act.

Local license or permit.

"(d) Provided further, that any person who has resided in this state for a period exceeding ninety (90) days is considered to be a resident for the purpose of being licensed to drive a motor vehicle and must thereafter be licensed to drive motor vehicles under the laws of this state."

90-day resident.

Section 2. That all acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 7, 1961.

CHAPTER 212

An Act to Amend Section 69-103, Revised Codes of Montana, 1947, to Provide That the Executive Officer of the Board of Health Shall Receive Such Annual Salary As May be Fixed by the Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 69-103, Revised Codes of Montana, 1947, is amended to read as follows:

Office created—executive officer of state board of health—qualifications.

"69-103. (a) The administrative and executive head for the board shall be its executive officer, and the office of executive officer of the state board of health of the State of Montana is hereby created. The executive officer shall be appointed by the board, and shall have the

following qualifications: he shall have a degree of doctor of medicine; he shall have successfully completed at least one (1) year of graduate study in an approved school of public health, and he shall have had at least two (2) years experience in administrative practice as a full time public health officer; he shall be eligible for license by the board of medical examiners of the State of Montana, and he must obtain a license from such board not later than six (6) months after his appointment in one or the other of the methods prescribed by the laws of this state. Provided, that if no such qualified person is available for appointment as executive officer, the board in its discretion may appoint, for a period of not over one (1) year, a doctor of medicine regularly licensed in Montana, who has had at least five (5) years of active practice in that profession and who shall not be eligible for reappointment. The executive officer shall receive such annual salary as may be fixed by the legislative assembly; shall be allowed traveling and subsistence expenses incurred in the performance of his official duties when absent from his place of residence; shall be custodian of all property of the board, and when acting as secretary of the board, custodian of its records, files and minute book, and shall perform all the duties of the secretary of the board as prescribed by law, when acting as secretary by appointment and order of the board; he shall devote his entire time to his official duties and shall not engage in the private practice of medicine or in any other occupation; the executive officer shall be subordinate to the board in the performance of his duties under this act.

Interim appointment provided.

Salary and duties.

"(b) The board is authorized, with the approval of the state board of examiners, to enter into a formal, written contract to secure the services of its executive officer for a definite term of years, not exceeding ten (10) in number, and the reciprocal obligations of the board and such person, including *the compensation fixed by the legislative assembly* shall be defined and stated in such written contract; or the board may appoint its executive officer for a definite term of not to exceed ten (10) years. In either event, the executive officer may be removed during his term only after hearing by the board on at least twenty (20) days' notice, after verified charges preferred against him have been sustained by preponderance of the evidence.

Written contract authorized.